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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,528	12/19/2003	Jim Recknagel	27475/05250	1527
24024	7590	06/29/2005	EXAMINER	
CALFEE HALTER & GRISWOLD, LLP			GALL, LLOYD A	
800 SUPERIOR AVENUE			ART UNIT	PAPER NUMBER
SUITE 1400				3676
CLEVELAND, OH 44114				

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/707,528	RECKNAGEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lloyd A. Gall	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 October 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/10/04; 5/24/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

### **DETAILED ACTION**

The disclosure is objected to because of the following informalities: In paragraph 0019, line 1, it is not clear in what sense figure 1 is a photograph. In paragraph 0025, line 5, it appears that "can" should read --can't--. In paragraph 0027, line 4, reference numeral 45 is inaccurate.

Appropriate correction is required.

The drawings are objected to because reference numeral 85 (see the penultimate line of paragraph 0023) is not shown. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 2, 13 and 14 are objected to because of the following informalities: In claim 2, line 1, there is no antecedent basis for "components", and it is not clear what structure is regarded as the "components". In claim 13, line 8, the second occurrence of "locking" should be replaced with --lock--. In the penultimate line of claim 14, there is no antecedent basis for "said lock". Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Setterberg.

Setterberg teaches a coupler lock including a lock body 2, a locking mechanism 16, an adjustable means including a shaft 6 having plural recesses with vertical and tapered edges, a spring-biased 12 locking plate 10 having a notch at 13 engaged by a cam 15, the cam includes an unlabeled groove in figure 3 and a projection 14 for engaging the notch at 13.

Claims 1, 3-12 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Heyer (696).

Heyer teaches a lock body 1, an adjustable means including a shaft having a narrow end 13, flange end 12 and plural recesses with vertical 15 and tapered 16 edges, a locking mechanism 10 to receive a key, plural spring-biased 20 locking plates 4 having openings 17 to engage the shaft recesses, wherein the locking plates allow movement

of the shaft in only one direction when the plates engage the recesses. Also, when the key is engaged in the lock and allow locking plates release the shaft recesses, the shaft is also capable of being inserted through the bottom opening, in the opposing direction from that shown in fig. 3. With respect to claim 8, the key defines a cam which engages the locking mechanism 10 and the notches 21, 23 of the locking plates, the key as seen in fig. 15 defines a cam having projections and grooves defined by the key ridges (key bitting).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyer in view of Winner or Hampton et al.

In fig. 2, Winner teaches an element 51 which may be regarded as a seal around a portion of a lock body 49, or a coating around the shaft 65. Hampton teaches a seal 46 around a lock body, and a coating 34 around a shaft 14. It would have been obvious to provide a seal and coating with the lock body and shaft of Heyer, in view of the teaching of Winner or Hampton et al, the motivation being to provide corrosion resistance to the lock body and shaft of Heyer.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Setterberg in view of Heyer.

Both references have been discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a locking plate with an opening for the locking plate 10 of Setterberg, in view of the teaching of Heyer, the motivation being to provide a greater surface area of contact with the shaft recess.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heyer in view of Freck.

Heyer has been discussed above. Freck teaches lock components of stainless steel in column 3, line 23. It would have been obvious to form components of Heyer of stainless steel, in view of the teaching of Freck, the motivation being to provide corrosion resistance.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyer in view of Holden (021).

Heyer has been discussed above. Holden teaches a method of locking a latch 6, 10 with a shaft 30 and lock body 40 by inserting a shaft through an opening in the latch and sliding the lock body 40 towards the latch. It would have been obvious to use the lock of Heyer with a latch having an opening to receive the shaft of Heyer, in view of the teaching of Holden, the motivation being to lock trailer components together.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans et al in view of Casey.

Evans teaches a lock body 10 and shaft 1, a locking mechanism 12, a locking plate 14, 30, a recess in the shaft to be engaged by the locking plate. Casey teaches plural recesses 24" in a shaft, and wherein a shaft may be inserted from opposing directions

of the lock body as seen in fig. 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an additional recess in the shaft of Evans and to provide a second, opposing opening in the lock body to receive the shaft, in view of the teaching of Casey, the motivation being to provide versatility for the lock.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LQ  
June 25, 2005

  
Lloyd A. Gall  
Primary Examiner